

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 23, 2009

Regular Meeting

Vice-Chairman Thomas Ganley called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commission Casasanta
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Camerota
Commissioner Lenares

Commissioners Absent

Chairman Hall

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. Proposed 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from November 10, 2009.

Vice-Chairman Ganley: Okay, procedurally what is going to happen is member of the public who wish to speak in favor of this application are allowed to speaking about, in general terms this public hearing issue. Please come up, state your name and your address for the record.

Commissioner Pane: Mr. Chairman, excuse me Mr. Chairman,.....

Vice-Chairman Ganley: No, I'm not going to excuse you.

Commissioner Pane: Excuse me, Mr. Chairman, we have to seat a commissioner, Mr. Chairman. Commissioner Pruett needs to be seated for, or somebody needs to be seated.

Vice-Chairman Ganley: Were you going to step up?

Audience: Could you repeat what you asked for?

Commissioner Kornichuk: You said, anyone who was in favor.....

Vice-Chairman Ganley: Or any one who wishes to speak, generally about the plan.

Audience: In favor or out of favor?

Vice-Chairman Ganley: No, there might be several points that you might be in favor of and some you aren't. It's rather lengthy and involved.

Gail Reduka, The Crossings, Wethersfield: I know this is a Newington town council and we don't necessarily have a vote in what is going on, but it will certainly impact the people of Wethersfield at The Crossings. The issue that I have is, we all have cracks in our foundations and in our condos from the Balf Quarry blasting and we all have, we knew that from the beginning, that's not an issue, we're used to it, it happens once a week. If you start bringing in blasting for construction, you are going to be blasting on an hourly basis and you are going to affect everybody who is in any proximity to the mountain, and the house, I mean, it's just going to start falling apart. The other issue is, and I know some people are pro, and I'm going to speak out, what about all of the animals that are going to be displaced, and their access is going to be to the Berlin Turnpike, so how many deer accidents and deer strikes are there going to be that could cause possible fatalities. These things have to be taken into consideration, and Wethersfield is just as much a part of this, granted we don't have a vote, but is just as much a part of this as Newington people are. So, just wanted to let you know.

Jeff Downes, The Crossings, Wethersfield: I've just got one statement to say, and that is that there are a million reasons why they should build up there, but I can't think of a real good one.

Mike Aparo, The Crossings, Wethersfield: If some of you don't know, the Crossings is right across the street from Russell Road, which is the dividing line between Newington and Wethersfield in that particular spot. I worked at Cedarcrest Hospital since 1989, I'm now retired but I worked there a good number of years and it was very nice to be able to walk across the street from one town to another and so forth. It's interesting to me, and I don't know that it is very official, right now I kind of suspect that it is, but Cedarcrest Hospital is slated for closing, and I wonder what is going to happen to that property. If that ever gets negotiated, or sold or used for something else other than a hospital or a state public purpose, it would still involve the same kinds of problems in terms of the blasting, and I have to second the young lady's point about the foundations. Every foundation in that place is cracked because of all the blasting. I've called the Newington police, I understand that they are recording, they have a seismograph and stuff like that, so they are monitoring the affects of the blast, but I imagine if we have a lot more it's going to be a problem, no matter where on the mountain it is built, even though the hospital grounds obviously already have a lot more access built into it, they have buildings maybe they could be rehabbed or something like that. It might lessen the impact, then again, who knows? My only concern is that those woods are beautiful. I suppose technically that they are private property, I don't know whether people are supposed to be walking in there, but I know that people do. Wildlife there is gorgeous, and it would be a shame to loose it, to displace it and have these animals show up in our backyards because we have encroached on their habitat. That's all I want to say, thank you.

Phyllis Small, 700 Willard Avenue: I definitely agree with the animal issue because everything has been taken away in the town as it is, there's not a lot. I belong to the Art League, and about a week ago, coming here, right where the police station is, there were three deer, crossing right there. So they are being displaced, so I agree with that but also, I think that traffic, like on Cedar and Willard, we always have accidents all of the time, with Central and St. Mary's. I think it would be even more of a nightmare even coming down the mountain and trying to get up, it takes forever to get through town, and I think a lot of people will agree on that. We moved here ten years ago, and the traffic wasn't half as bad so I think it's just going to make more problems and more accidents as well. Thank you.

Diane Clark, Francis Drive: I'll be short, and come right to the point. My comments are directed more at the transit system and the redevelopment of the Newington junction. It's my belief that the New Britain-Hartford bus line is slated to lose approximately six million dollars. I have spoken with many people in the neighborhood and their opinion of the project is as mine, don't need it, don't want it, don't do it. If the estimate of the six million dollars loss is accurate, it is fiscally irresponsible for the State and the Town to proceed with this project. Please keep Newington the same town that draws people to it to raise their families. Many town residents living here have raised their families and remain here. Their children have also chosen to remain here. This speaks volumes for the life that Newington has to offer. Let's keep it that way. I trust all of the opinions stated here today will not go on deaf ears. Thank you.

Gary Bolles, 28 Burdon Lane: Ladies and Gentlemen of the Commission, and I hope that Ms. Hall is okay tonight. As I did with the Eddy Farm property, I fully support the natural preservation of Cedar Mountain. The main reasons are twofold. It is the correct course of action, and it is one of the few treasures that we have left in this town. I do not support any development on Cedar Mountain that would certainly ruin its intrinsic beauty, such as high density, low density or the development, any development what so ever. Any high density development should be restricted to areas of mass transit such as the proposed bus way or a rail line. The Berlin Turnpike which abuts Cedar Mountain is not a venue for mass transit, and I believe that is defined in the Capital Region Council of Governments documents. In our own neighborhood off Vincent Drive, this goes off the Cedar Mountain a little bit, in our own neighborhood of Vincent Drive we are isolated and have no safe walking egress to the town center. The Town Council defeated a request for sidewalks from the intersection of Vincent Drive and Cedar Street easterly to Old Farms Drive where they presently start and connect to Willard Avenue. In your plan of development, as an alternative, I am going to ask that you include a provision to construct a walking path from the southern dead end of Cinnamon Road which abuts the town owned Eddy Farm. This pedestrian friendly path would traverse from Cinnamon Road easterly along the edge of the Eddy Farm property and connect to Willard Avenue in the vicinity of Garfield Street. In closing, I know that a few people have great expectations of constructing high rise buildings in our town. This is wrong, because once this happens, it will change the character of our beautiful town forever. We need to come together as a town and defeat this evilness. I thank you for your consideration of my thoughts and ideas presented herewith. Thank you.

Maureen Klett, 104 Harold Drive: There are so many concerns that I have with this plan, I don't quite know where to start. This plan as it is written, proposed, affects in my opinion, all areas of the town, from the top of the mountain, to the Francis Avenue, West Hill Road area to the Kitts Lane area. You have publicized in two newspapers, that's your requirement. People did not know what was being proposed in this plan, all over the Town of Newington. This afternoon I was over on the south side because there is a proposed change over on Kitts Lane that in the present plan is listed as a critical buffer area between housing and business units and is going to be changed in this present plan to another transit area, or proposed transit. We're going to invite DOT to come and tell us what the busing would do over there, and we're going to establish an incentive housing zone in an area that was listed as a critical buffer zone. We have in all areas, your vision statement includes a change of high density developments may be considered where transit services and opportunities for mixed use are compatible. It affects the people who live over on Francis Avenue, West Hill, it will affect the people who live over by Cedar and Fenn Road, Maple Hill, Old Farms Drive, Kitts Lane. You have taken out, or someone has taken out, I'm not sure who is responsible, you have taken out all reference to three stories, height limitation in the center or height limitation anywhere in the entire town has been removed from the plan. There's a state statute that says that it is supposed to be presented to the Town Council sixty-five days before the proposed public hearing. There was a letter that went from the Chairperson and Mr. Meehan to the Town Council but for some reason it never got discussed, never got discussed by the Council until the day before the public hearing, even though it was disseminated sixty-five

days like it was supposed to be, and there is a letter from the Chairman of the Conservation Commission addressing the serious concerns up on the top of the mountain that went to the Chairperson of your commission and to the best of my knowledge, the people that I have checked with, it didn't get, because it wasn't cc'd perhaps to the rest of the TPZ it didn't get disseminated, and this goes back to when there was a plan being proposed. It did not get passed out to the rest of you folks and so you are unaware, unless you received it today or in the last couple of days of the serious concerns that the Conservation Commission had about any proposed development up on Cedar Mountain. It addresses the wetland concerns, it addresses the fact that changing the zone to R-12 residential would result in a housing unit density and the increase in coverage of non-impervious services that will have an end result of reducing the water shed serving the existing wetlands and habitat. When sitting as (inaudible) the wetlands they found that a previously submitted application for this site which was less density would have had significant negative impact on the sensitive wetlands, and therefore they have great concern to the request of density of an R-12 zone. They also have concerns about the reference documents that were being used to try to convince you folks when there was an application about what you know, what impact it would have on the mountain. You didn't receive this, I would like, I would strongly request, I know that a couple of members have it, if you read into the record of the public hearing I think it strongly shows why there is a great concern about the development on the mountain. I'm hoping for the sake of the Town of Newington that this plan is rejected, it is not accepted because it is not in the best interest of the people who live in this community. For those of us who have lived here and don't want to leave Newington, don't want to go some place else, for all of our sake, I hope that you will reject this plan.

Holly Harlow, 11 Edmond St: That's going to be wicked hard testimony to follow, but....I live in a nice little cape on a nice little residential street near Newington center. I live one block from Center Court, where the 2020 plan proposes high density residential development, I live two blocks from where the plan proposes to permit higher density and building heights. I live three blocks from Cedar Mountain which is of course the beautiful piece of Newington's precious little remaining open space where a zone change and development is proposed. One of the blessings and the beauty of Newington has always been the segregation of the high density and commercial sites from the town proper. The general combination of homes and business in the center provides the basis of the quality of life I chose when I chose to live in the center neighborhood. I oppose the 2020 plan proposals that in my view serve to reject the present quality of Newington town life and substitute another. In fact the plan uses a lot of terms and references to development that I don't understand and I have to think that other residents don't understand either. For instance, mixed use node, Newington center node, mixed use B-TC zone district, town center design guide lines, special exception site plan procedure, village district, special exception overlay district, in-fill buildings, property maintenance ordinance, zone density, natural occurring, affordable housing, zone special exception, maximum impervious coverage. Those are terms that I don't understand and I don't know how they apply to the proposal. I really urge the Commission and any other body involved in the adoption of this plan to engage us in further details, open and transparent discussion of the way we, the people of Newington envision the conservation, and if and where appropriate the development of our town. Thanks.

Myra Cohen, 42 Jeffrey Lane: A member of the Newington town council. Your proposed draft plan went to the town council some time around the end of July, beginning of August. At the town council's early October meeting Ed Meehan and Cathy Hall made a presentation, we asked a few questions, they left the room, there was no council discussion, we went onto the next council agenda. The next meeting in October was our last council meeting for this past council. The plan was not on our agenda. There was no council discussion ever from the council as far as this plan was concerned. Three days ago, this past Friday in our council packet we received a copy of a letter dated the end of July which was supposedly a letter of transmittal of the plan. This had not been received by anybody else on the council, I know that several people on the council did

not receive that letter. I certainly didn't and several others didn't. I assume that the whole council never had the letter about the transmittal of the plan. All we received was the plan. We had no knowledge of the amount of input that was expected from the town council and that is why I gather that it was assumed that we accepted the plan because you never heard from us, we didn't know that you expected to hear from us. Your 95 Plan, the current plan, that exists now was different as far as presentation because there have been a lot of changes to state statutes since that plan went forward. We had no knowledge of what you expected from the town council. I assure you that this will be on the Council agenda for discussion in the future, very shortly. I'm assuming that there must be some kind of guide, or rule of thumb of a percentage of residential development versus commercial development that is expected in a community. I think we are over-maxed already on residential development. Residential property calls for services, commercial property pays for those services. I don't think we need to be constantly building homes, we just have to remember to take care of our seniors and maybe in a different way perhaps somehow be concerned with aging in place rather than building new homes all over the place. As already has been mentioned by Maureen Klett, your past, your current '95 plan talks about three stories limit, your current plan makes references not only to height, but in other areas to be concerned with, something that should be watched, there is nothing specific. It is always, look at this, look at the height, look at whatever. Look at it, but it doesn't talk about what you are looking for, or what your concern is. As far as the busway is concerned, it has never had the support of the town council. We simply wanted to stay more or less involved because we figured it was going to go forward with us or without us and we wanted to know what was going on. It had no council support. Now what goes around the busway, the busway stations is a different issue. Now why in the world you want a bus station at West Hill, I'm not sure who is planning to park there or to walk there and take a bus from West Hill Road into Hartford. You have local transportation that could perhaps be improved as far as express buses and so on, why you would want a bus station at West Hill Road I have no idea. A bus station at Cedar and Fenn, the traffic there is horrible, I don't know why bringing a bus, an express bus every few minutes is going to do to alleviate traffic and I can't imagine who is going to be coming off of their cars to get onto a bus at that point. However, it's a little bit of a conflict. You are talking about a bus taking traffic off the highway and on the other hand you are talking about putting houses there to fill up the buses that might be empty. We don't need any more housing. As far as open space is concerned, past councils have saved the Young Farm, the Eddy Farm, with a great deal of effort and it was not cheap. It took a lot of work to do that, but we did it, and with public support. We certainly want to save the mountain, the question is not do we want it, but how do we want to do it? I'm just touching on a few issues now because I expect the entire council to be discussing the entire issue very shortly, and I beg your indulgence to understand, that it just came to our attention as requiring input from us just now, so the sixty-five days starts now. Thank you.

Phil DesJardins, Corner Center Court and Ellsworth Street: Traffic here is horrendous. They come down Cedar Mountain, they go down Hawley, they come down Ellsworth, they get onto Main Street, if you go into any kind of construction, any kind of building, imagine what it is going to be like. There are three houses, within two blocks of me, there are three houses for sale. With all this going on, I wonder, who is going to want to buy that property? I'd like to retire in about four years, and if this is, if something like this is going to go on, who is going to want to move into that area? I know that I wouldn't. So, please reconsider, don't do anything that the town does not want.

Gail Bedrako, Isabelle Terrace: I'd like to address three areas of the plan. The first is Cedar Mountain. I'm in agreement with everything that has already been presented tonight, and have nothing more to add other than save Cedar Mountain. The second is the busway transit system. Unless the terminus cities are safe, have vibrant business and entertainment districts and most importantly have jobs, this is a busway to nowhere. There is no benefit to current Newington residents. This attempt by the state to solve the problems that neighboring cities and the DOT

could result in long term negative impact to Newington. My third area of concern is the town center and open space. It puzzles me why Newington, with ninety-two percent of its land developed, is not fighting to preserve the remaining eight percent. I'm not opposed to growth, but I don't support growth that brings increased traffic congestion to the center of town and surrounding neighborhoods, strained public services, damage to existing neighborhoods by intrusive and incompatible development, and a down town district that is going to become a casualty of urban sprawl. I'm particularly concerned about the plan as it relates to the land in the center of town, the Hartford Hospital campus and the high density residential development between Center Court and Hawley Street. First, the open land on Hartford campus, instead of viewing every parcel of land as an opportunity to build, the remaining open space in this town should be integrated into the existing fabric of our community. For example, this land could be used as a semi-permanent site for some very successful events such as the flea market, the farmer's market, the classic car show, the Waterfall festival and maybe someday even an annual Cedar Mountain celebration. Think in terms of picnic pavilions, bike paths, skateboard parks, dog runs, perhaps a gateway to recreation on Cedar Mountain. These sites and services would benefit the existing community. Don't build new apartments or condominiums. My second concern is a proposal for high density housing between Center Court and Hawley Street. This proposal is insensitive and damaging to the adjacent neighborhoods on Ellsworth, Edmund, Buck, Hawley and Isabelle Terrace. High density housing will bring greater traffic congestion and stop and go traffic which leads to air quality issues. Anyone who has to daily live with the traffic on Hawley Street and East Cedar knows that these streets cannot support what they have now, let alone any type of increase. Another crosswalk is not going to solve the problem. Additionally there is no guarantee that high density housing is going to remain owner occupied. This is going to bring with it another whole set of issues that once again the adjacent neighborhoods are going to have to suffer the consequences. The 2020 Plan says that you want to protect neighborhoods, but many elements of this plan, including Cedar Mountain development to me suggest a total disregard for residents in this part of town. The 2020 Plan says a priority of development is to quote, maintain the centers character and size which distinguishes Newington as a small New England suburban community. End of Quote. Newington still has the New England charm, the tallest building in the center of town is the church steeple. Small neighborhoods of single family homes surround the center and the sidewalks are pedestrian friendly and safe. Allowing high density, mixed use development in the center of town is inconsistent with this vision, and would make us undistinguishable from the cities that surround us. I ask that you reconsider the plan.

Bernadette Conway, 177 Hartford Avenue: Good Evening. I want to thank all of the Commissioners for accommodating us tonight. As you can see, this is a very important issue to many people and I'm thrilled to hear that you are going to keep the public hearing open on the town plan. I've come before you many times before and given you many different reasons and I'm here tonight to support the moratorium that was proposed a month ago. I feel that this issue is important enough to take the time and absolutely every effort should be made and every avenue explored to save Cedar Mountain as open space. It's going to take a lot of hard work, a lot of persistence but we have been lucky enough, we've had town councils in the past who had the foresight to realize that keeping open space in Newington is very important to all of us. Cedar Mountain is part of the fabric of our town, and our lives, and we all have different reasons for loving it and wanting to see it stay as open space so I appreciate all the time that you are taking. I know that this is a complicated issue but I trust if we have the time to work on that, we can come up with something. Thank you again.

Jackie Sorso, 21 Forest Drive: I live up on the mountain and I just simply want to say, if we think of the global effort to go green, on one hand, and if we think of the amount of pollution and exhaust that comes from the Berlin Turnpike, and then if you think of trees, and the great free service that they give us all by taking all of that carbon dioxide and absorbing it and then by giving back oxygen, just from a very simple wellness standpoint, it makes sense to keep all of the trees

that are there intact, and they also serve as a great buffer from the tremendous amount of noise especially on Saturday nights that can come from the Berlin Turnpike, so I'm hoping that not one tree goes down or any of the mountain gets destroyed. Thank you.

Lynn Barnes, 65 Constance Leigh Drive: I recently moved here from New York City and I've seen neighborhoods go in this direction and with this kind of development comes a whole host of other problems, crime being one of them. So I suggest that you hire more police.

Mary Yow, 80 East Robbins Avenue: I want to make just two points, I'm a hiker who lives in town and I enjoy taking hikes up on Cedar Mountain, I have all of the years that I have lived in this town. There are very few places, if any, where you get the height and the ability to look out over our beautiful state from the different outlooks on Cedar Mountain, and if this is closed to yet another select group of people, paying for very high priced buildings, on the mountain, it will be yet another place where, well, just townfolks won't be able to just go up and walk and take a look and see the beauty of our state. That's one. The other is I think the well, the shock somewhat to the people of New London certainly and the bitter taste that many of us have over seeing what happened with the eminent domain fight and the taking of lands from the public from the private sector and so on. I'm not suggesting that any of that is being considered at this point but when we look at development and when we look at the taking of the natural resources, I don't think I would sleep very well if I changed what was gorgeous and beautiful and primordial, in a sense, that lovely area up there, I wouldn't sleep well at night if I thought that I did it just because it would be some way to raise revenue for the town, or any of the other reasons that might have, of a monetary nature. Beauty like that is eternal, and it should be preserved. It's just a very basic issue. Thank you.

Gary McMahon, 68 Pheasant Run: I've been a resident for fifteen years. First of all, I want to say thanks to the Commissioners for listening to all of us, and I am very happy with some of the preservation of open land that has occurred in this town. I very much appreciate it. Concerning Cedar Mountain I think it's probably a very bad place to do development. The main reason I think is the traffic problems, potential traffic problems that I think we just have to, no matter how cleverly traffic was arranged I think because of the slope of the area and the danger that already exists there, especially in the winter and other bad weather conditions, that we asking for a lot of trouble. Also, Cedar Mountain is the only mountain that we have in this town, so it seems that a high point that stands out like that should probably be preserved for its natural beauty. On general development, I think we need to concentrate more on re-use of especially in the commercial round, re-use of sites, for example, well, there are a few example because as you know, the recession has caused a lot of businesses to go out, so there are some vacated areas now on the Berlin Turnpike for example, and there will probably be more. Also I think that we probably have not ruined it, but if we go much further we probably will ruin the Berlin Turnpike because I think we have enough retail and service development there already and we should try to hold the line on that. Perhaps there are other areas in the town where commercial development would be more suitable on a small scale. The only other remark that I have is not so much Cedar Mountain or general development but something that no one has brought up and it is I think related to the town plan, and that is recreation areas that are maintenance and development. This town has an extraordinary number of small parks and a fairly good number of medium size parks. They are very attractive and useful, however, I notice that we are a bit lopsided on sports/recreation. I can't really think of a park that is set up in like the true sense of a botanical park like Wickham Park that borders Manchester and East Hartford. I know that we don't have that much land, but if we could have one park that was primarily botanical in nature, with simple walkways and benches and gardens I think that would be an excellent addition to our town. Thank you.

Joyce Leski, 21 Red Rock Circle: I'm against the building or development of Cedar Mountain. I think high density housing or any type of housing is developed, our schools will become more over crowded than they already are. The classes right now are averaging twenty-four to twenty-six. Our schools will increase in size in that one district by at least fifteen to twenty percent. That's too much. Not to mention our police force is already too small for the development that our town has seen over the years. Newington is a small New England town, and we don't need high density housing or any type of (inaudible) at this time. Let's leave Newington the way it is supposed to be and the way that it should be.

Faiola Chance, 37 Goodale Drive: When I was about a year and a half old, my parents moved to Newington and we lived right near Elizabeth Green School on Cedar Ridge Road and I can tell you the blasting from Balf Quarry wasn't always pleasant, but anyway. I've lived here all my life. After I was married I was away for a year or two, but we bought a house on Goodale Drive and we've, so growing up, I've had a beautiful view of the mountains. I just don't want to see it change, and I probably don't have anything different to say than what other people have said, but I would feel bad if I didn't say something. I want to look at the mountain and see the trees, the colors changing in autumn, I don't want to look up and see buildings. I worry about displacing the animals like other people have said. I think the town has seen, well we have especially in our own neighborhood, animals that we never used to see and it will just get worse with building. I just hope that you will consider keeping the mountain the way that it is, keep it open space so that we can all enjoy it and Newington can keep its quaintness. Thank you.

Chris Banach, 145 Starr Avenue: Also a member of the town council. For the last four years I've taken every opportunity that I have had to speak out against the busway, so I might as well use this one too. I think it's a colossal waste of money. It's a busway to nowhere. It's guaranteed by the Department of Transportation, an (inaudible) several million of dollars each year. Now, with that out of the way, Cedar Mountain, I have to believe that you serve in the best interest of the public. I'm sure that you do, and the public has made their interest in preserving this area abundantly clear. No one that I can think of has ever gotten an inner sense of peace or tranquility looking out at a concrete building or a condominium or a high rise anything. This is a three hundred acre green island in the middle of Newington, Hartford, Wethersfield. Once this goes, as everybody knows, it's irreplaceable. We have to do everything in our power and as people have said before, that is going to be difficult, but it takes people of vision, it takes people of resolve, to get this done, to go to every office, anybody that can help us to get this done, but I would ask you, in the interest of the people, to turn the plan back and focus on open space. Thank you.

Ginair Martinelli: Good evening. I am, my business address is the Galleria Design Center 234 Middle Street in Middletown, Connecticut. I am one of the members of the company that owns the Cedar Mountain Development, the twenty-eight acres that has been in discussion by many people here this evening. I'd like the council to know that when we purchased this property we approached the Planner, we studied the record, it appeared to us that the Planning Commission, not necessarily the council or the public had opposed a development, a commercial development that was allowed by right in the zone. So we tried to dig deeper to ascertain what exactly it was that the Town was looking for. Now we come to the Town with clean hands, and our intention tonight is not to support or oppose the Plan of Development, but we're looking for clarity in terms of what is it that the town council would like us to do. Our sense is that commercial development was not the way that the town, the direction that the town wanted us to move in, so we took this alternate path of residential which is less intense than the commercial. Certainly if the town's desire is to keep this as open space, we would work with the town in selling the property for that purpose. As a matter of fact, you know, as part of the plan that Toll Brothers was proposing the most sensitive areas of the site were set aside for open space purposes in a way that they believed that their development would not be visible from the surrounding neighborhoods. I know that the council often wrestles with budgets and you know to purpose a piece of property like this

could mean a small tax increase. If it was paid for in one year, and I really have not studied the grand list, so I'm just talking hypothetically here, but I would suspect if there were eight to ten thousand homes in this town that perhaps, if the property were purchased and amortized over twenty years, you might be looking at a figure of twenty dollars per month, per household per year, so I think if the town can afford it, and the public is willing to make that small sacrifice to preserve this as open space, then we certainly are willing to cooperate. We have had many offers on the table, we can show you our contract, and we are willing to work with the town and the public. Thank you very much.

Brian Thibeault, 63 Stoddard Avenue: I'm a life long resident here, and I can't agree more with everybody's speaking here tonight on this podium. I mean, look at the crowd here, it's Thanksgiving week and we are all here, isn't that telling you guys and showing you guys that we really care about what is going to happen to Cedar Mountain? We're not here for our health, we really care and I've been to many meetings before and I've never seen so many people who really, really care about what is going to happen, and it's a shame if this really goes through, it just will never be the same and the people will never be the same either. So I hope that this does not go through, let's just save Cedar Mountain and do what we can do to save it. Whatever it takes, we're all here tonight and could have been home with our families, so thank you very much.

Darlene Gable, Flagler Street: Good evening, I just to say one thing, in light of this man's, we need a moratorium so we really can discuss how we can keep this land as open space, so I'm just standing here saying, please give us a moratorium.

Gail Reduka, The Crossings: I apologize for having to come up again, but I wasn't prepared to speak at all, but I did want to say, as a resident of Wethersfield, I feel that Newington is the typical New England town, it's quaint, I have friends who live in the quote, woods, Knollwood, Dalewood all that area, and it's beautiful and the neighbors and the neighborhood is, it's just something that you would expect from a town in New England. Currently driving on Cedar Street, you are taking your life in your hands and to put any type of access road there would be a disaster and to put them on Russell Road or on this side of the mountain, Mountain Road would also impact the neighborhoods and the home values everywhere that you have. I think it is wonderful that these people are willing to work with us, well, you, regarding how the development of the area is done and I think when, when do we stop, when do we stop developing? We have people whose homes are foreclosed and for sale, why do we need more? There are just all these houses and condos that are for sale at this point and now we are proposing to put more houses, I don't understand that. Let's make this what it is and what it should be and leave it the way that it is and I'm sure that the town will not have to put any money into any type of up keep. There is enough of us here that would volunteer to take care of any cleanup or any type of landscaping that needs to be done. Thank you.

Rose Lyons, 46 Elton Drive: I know that most of us here tonight because of the Cedar Mountain project and I had the pleasure of meeting Mr. Cohen the first night and we had a nice conversation, and you seem like a very nice man and I'm sure that you have the right intentions, but I think the people here in this room have talked to you and told you how they also feel. I'm not going to dwell on that because everybody else has been talking about it, but over the past couple of years I have been going to different committee meetings, commission meetings, the busways, Mr. Banach, Mr. Bolles, they are probably the only people in this room that I ever saw at any of those meetings. The downtown revitalization I don't think anybody was at any of those, and everybody seemed surprised at this plan, this 2020 plan. Everything that I picked out of it were things that have been going on for a couple of years now. So, I'm hoping, if nothing else comes out of this, that you keep on eye on what is going on. Go to the town web site, look at the town council agenda, look at the TPZ agenda, see if it affects anything in your neighborhood. I'm

not saying that you have to come out to every meeting, but just be aware of what is going on so that it doesn't reach the point that it has reached tonight and maybe things can be taken care of before the last minute. Thank you.

Mark Pappa, 105 Back Lane: I'm also a member of the Conservation Commission. First off, I wanted to thank TPZ for being accommodating and very sensitive to this matter in rescheduling the meeting to allow people to come in and voice their opinions. I think what is critically important is that your plan has some good parts and clearly based on public opinion, there are some bad parts. However I do think that your plan is well intended and I think for the most part goes in the right direction. There are certain areas and certain things that I'm sure can be adjusted to accommodate our town. I just want to caution that understanding that yes, Cedar Mountain is a primary matter of concern for most people that we don't go so far, so far and tighten the bolts so much that nothing can ever be done or redeveloped. There are certain areas, for instance, Cedarcrest Hospital looks you know as if it was abandoned by the Soviet Union at one point, it's in rough shape. Another area, National Welding, a contaminated building that again, could be adjacent to a wetland that needs to be addressed in the future. If we tighten the bolts too much, it's going to be very difficult for anybody to come forward and actually go in and clean these places up and reuse them, so I just want to, a word of caution there, a lot of what has been said tonight I think is very much on the money, and most of which I can be supportive of. So again, I just wanted to thank you again for hopefully you will be taking a lot of these suggestions into consideration. One other thing on the busway, and I don't think, I think the busway went into works long before some of you made this council, I don't know if any of you are for it, I don't think you were behind it, I don't think you planned it. I think it's been in the works for north of twenty years, different governors, and administrations and elected officials and department heads, I think that everyone understands that it is a colossal waste of money, something that we just have to figure out a way to deal with. So, hopefully we figure out what the best possible use of that is, and we move forward. Thank you very much.

Pam Guible, 20 Edmund Street: I just want to talk to you a minute about family perspective. My husband and I have lived here for thirty years. When we moved to Newington, we investigated many towns, before making the decision to move to Newington. Newington has a reputation of being a phenomenal family town. It does have that small town flavor, but it goes more than that. There's really a spirit in Newington that you don't find in other towns. You still feel safe outside your home. You still feel safe walking your kids, taking the dog for a walk. You feel comfortable having your kids ride their bicycles. When the decision was made to widen Cedar Street, I really questioned that decision, but I was told that it would bring business into town. Instead it has created a freeway through the center of town. They are now talking about putting high density development into town. You still have small neighborhoods. Our neighborhood, the home that we live in was built in 1924. It's still a small neighborhood that you feel comfortable being in. If you put high density housing, it will be no different than living in Hartford, it will be no different in living in a lot of other town, and I can say, you are not going to feel comfortable outside, you are going to wonder where your kids are, you are going to be very concerned about the neighborhoods. The traffic is going increase. Once Cedar Street was widened, I really had to be concerned about kids going across the street, from one side to the other side in the neighborhood, so I really urge you to preserve the town as it is. There still is a small town flavor there. If you start increasing your development, families are no longer going to choose Newington as a place to live. Thank you very much for your attention.

Edith Hartlip, 134 Jeffrey Lane: I've lived in Newington for thirty-seven years, we moved here it was a small town. Now, it's like a little megatropolis. We live next to where Toll Brothers built the Woodlands of Newington. Most of our beautiful trees are gone, the deer are coming into our yard, they are looking for food. The other animals have been killed along the roadway. I have a son who is handicapped and confined to a wheelchair. He has trouble crossing Cedar Street now

to get from 65 Constance Leigh over to either CVS or Rite-Aids. The food store is closed down there, that makes it very hard for our seniors who used to go shopping. Now they need transportation. The idea of building something on the ridge, I come down Eagle Drive and it's a beautiful view looking across town and seeing this ridge. I would like to see it preserved for future generations. Also, the one lady that was going green, mentioned the trees. The trees on the west side of Newington would have brought more quality air to Newington because of prevailing westerlies, but the east side, let's keep some of them. Let's go green ladies and gentleman, let's keep, only ninety-two percent developed, let's keep eight percent open, please.

Catherine Carpio: I've lived here all my life, I'm fifty-five. I live at 46 Coolidge Avenue and my mom lives at 17 Settlers Knoll, so we have experience living at both ends of town. Although I think that Toll Brothers did a magnificent job on the new development, I am here to say that I am hoping that the town can find a way to keep the open space on the ridge line. I'm also looking at the open space from the perspective of our children. When I grew up here it was more wild evidentially than it is now, because we are very much developed, but the children and whoever lives in these houses that are for sale now are going to miss something about this town that we do have now. There are wild turkeys walking across the neighborhood, there's coyotes and we do have a very large variety of wild life here, that I would like to see maintained, and we have the power to do that. To keep whatever wild life, open spaces that we have now open for future generation to have the same opportunities that we did when we were young.

Mr. Salvatore, 22 Tomlin Road: I am proud to live in Newington. As the lady said, we moved in to Newington and we are proud to be part of the neighborhood. We talk about keeping it green, I feel we should keep it green forever, not just for right now. I think we should keep the land the way that it is, we call us American's, we should do something for good, for ever, keep our town the way that it is. Thank you so much.

Rose Lyons, 46 Elton Drive: The thing that I was really concerned about, and meant to talk to you about is the situation at West Hill. I believe when Dunkin Donuts went in, there were some provision that they were supposed to meet to make it safer over there, for people in the area taking a left hand turn onto West Hill. I have a sister-in-law who lives in Chapman and every time I go over I'm thankful that my left hand turn signal doesn't work and gets stuck and it doesn't go back up because people come close to rear ending me every time I go over there. It's getting worse and I even went so far as to, the night before the election ask the mayor what plans there might be with that busway going in, and apparently on Chapman Street they have taken down a house, and it's going to be a parking lot for people to go park their cars and take walks along the railroad. I wondered what they were going to do to reconfigure that area to make it safer. He said it didn't know, he asked me if I had an ideas, I said no, if I did, I'd be working for DOT. But I would hope when you look at the whole plan, that you are not just concentrating on Cedar Mountain. I don't think that you are, but there are a lot of things in that plan that I am totally against, and it's only because it seems that there are things, such as the Alumni Road area that hasn't been addressed since the last plan, and I would hope that we would do what we started to do ten years ago, and get that completed before we go forward and create more problems. Thank you.

Vice-Chairman Ganley: Okay, I don't see anybody else coming down. December 9th, Wednesday will be the continuation of this public hearing. Thank you all for coming and I certainly hope that on December 9th the weather holds. Thank you.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

November 10, 2009 – Regular Meeting

Commissioner Pruett moved to accept the minutes of the November 10, 2009 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimous in favor of the motion, with six voting YES.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: That item was listed, I believe was in your packet, you can take it up now or under staff reports, the issue of the environmental land use fees that became effective October 1st, through DEP. It's requiring municipalities to increase our local land use fees considerably, by as much as sixty dollars an application. The fee now is thirty dollars an application. We turn these funds back to the Department of Environmental Protection on a quarterly basis, and it's used to fund their environmental review team and soil conservation services. If you want, I can go into more detail now, or later on in the evening I can.

Vice-Chairman Ganley: I just have one question. Who would authorize the, would the council be able to fix the proper fees?

Ed Meehan: That's correct. The Town Council sets the fees pursuant to town ordinance. That was in your packet, but in the past, they have looked to the Commission for some guidance on that, so I gave, in your packet, the existing fees and then some suggested increases. The one item that was of concern to staff and we did talk to DEP was the idea that we would be charging sixty dollars for a zoning permit that is now presently fifteen dollars. I did have a conversation with staff at DEP and they clarified that in their opinion that this really pertains to land use fees that come before the administrative body such as the Conservation Commission and the Planning and Zoning Commission. We felt fifteen dollars for someone getting a deck, going up to sixty dollars was a little out of line, so that fee would stay at fifteen. The other fees would increase accordingly. We still do, depending on how many times you have to run a public hearing notice in the newspaper, we don't cover our cost, but that is more a rarity than normal. So that list is a suggested list for the Commission's consideration to move down to the Town Council.

Vice-Chairman Ganley: Thank you. Any remarks by Commissioners, comments about the fee structure.

Commissioner Pane: Ed, for example, on page one, application process for a single lot, used to be fifty dollars per lot, and two hundred fifty dollars for a subdivision for a developer coming in for an open subdivision and you are proposing to go to a hundred dollars for a single lot, and three hundred dollars for a minimum for the subdivision, so you are increasing it fifty cent, rather a hundred percent for a single lot, but a small increase for the developer. Is there any special reason that you are doing that?

Ed Meehan: Well, a subdivision by statute is three or more lots, so if we had a re-subdivision that qualified it would be one hundred dollars times three, three hundred dollars. If someone came in with a twenty lot subdivision it would still be three hundred dollars, it's not a hundred dollars per lot for the subdivision, is that what you're questioning?

Commissioner Pane: Well, I'm thinking that maybe instead of going up so much on a single lot making the subdivision pay a little bit more than a single lot. You increased it from fifty dollars to one hundred dollars for

a single lot, and only a fifty dollar increase for a subdivision, and didn't think that was.....There are a few other examples like that, maybe we can go over them at another time.

Ed Meehan: I see that, thank you.

Commissioner Casasanta: Ed, maybe I'm mis-reading this, or misinterpreting it, but the way that I'm reading it is that the application process will be fifty dollars, or was fifty dollars per lot, two fifty minimum, now one hundred dollars per lot, three hundred dollars minimum for a subdivision, open space subdivision. That tells me that the application fee for a subdivision is still one hundred dollars per lot, with a three hundred dollar minimum.

Ed Meehan: Right, that's correct.

Commissioner Casasanta: So if it's a twenty lot subdivision, it's one hundred times twenty, is that correct?

Ed Meehan: No, that wasn't the intent, maybe it's too vague. It still would be like three hundred dollars for a twenty lot subdivision.

Commissioner Casasanta: I was understanding it would be one hundred dollars times the number of lots with a three hundred dollar minimum.

Ed Meehan: No, that was not my intent.

Commissioner Pruet: Maybe it should be maximum instead of minimum.

Ed Meehan: Well, I take your point and Domenic's point, whatever it is, it has to be clarified because we have two different opinions right here. We didn't want to pass these fees onto the residents more than we had to, but nor did we want to get stuck with losing money, so to speak, and sending the money up to DEP. All of this came as a surprise to the municipalities on October 1st, this all became effective.

Commissioner Pane: I'd like to propose that we keep this on the agenda for the next meeting, and maybe the Town Planner can clarify the items and will give a chance for the Commission members to discuss these items before it goes to the Town Council. Thank you.

Commissioner Pruet: Also too, maybe we can get a comparison of what other towns are doing, if that is possible, just to see if we are in the ballpark with Wethersfield or West Hartford?

Vice-Chairman Ganley: Okay, we can defer this to the next meeting under Communications and Reports and at that time there will be some further clarification before we pass this along to the Council. Is there a clock, if you will, on this, in that the sooner we get to this the better, or When does the fee structure for the state kick in.

Ed Meehan: We're expected to do it quarterly, so by the end of December, which is the next quarter, we should be reimbursing them sixty dollars per application. Fortunately this past quarter except for some of the items on tonight's agenda, the number of applications has been very low, so it's not going to have too much of an impact right now. As we get into a new calendar year, and the development pace picks up, you would have to make a payment to DEP the beginning of April. So, if you keep this on your agenda, I'll do the research that you asked and then my suggestion would be to have something ready in January to forward down to the Council for their consideration. I know that Conservation Commission is on the same time line that you are, and Council sets the fees for Conservation Commission too. One meeting in December, I think in January you should try to get this down to the Town Council.

Vice-Chairman Ganley: Okay, we'll just defer this until January for a little more information, sort of crystallize the fee structure. Thank you.

VI NEW BUSINESS

Discussion of Cedar Mountain Development moratorium. (Staff Report: October 30, 2009.)

Vice-Chairman Ganley: Any remarks from the Commissioners?

Commissioner Pane: Mr. Chairman, I'd like to know if our Town Planner has received anything from our Town Attorney yet and when he expects something coming in.

Ed Meehan: Through the Chair, I did talk to Attorney Ancona. We exchanged e-mails. He's working on a report, he got the information that I sent up to the Commission on October 30th, and he will be ready for your December meeting, December 9th, meeting. He will have his report, it will be available in advance to send out with the agenda, and if you think it would be beneficial to have him here that night I can talk to Ben also about that. He wants to get the report to you ahead of time so you have a chance to look at it, and digest it.

Vice-Chairman Ganley: Okay, we can defer this until the December 9th meeting also.

VII. OLD BUSINESS

711 Willard Avenue
Kane Street Associates, LLC
Request for Release \$7,400

Bond posted 5-4-2006 original amount \$45,900, secured by savings passbook. Reduced to \$23,700, 10-25-06, reduced to \$7,400, 11-24-2008.

Draft Motion

Commissioner Schatz moved that the bond amount of \$7400.00 for the completion of remaining site work at 711 Willard Avenue, Kane Street Associates, LLC be approved for release.

The motion was seconded by Commissioner Pruett

Commissionr Aieta: Mr. Chairman, I'm confused here. This should not be presented under Old Business, it's under staff report, something that we are just seeing tonight. It's on our agenda, number eleven under Staff Reports. This is under Staff Reports on our agenda.

Vice-Chairman: You're correct, my error. Thank you.

IX. PETITIONS FOR SCHEDULING (TPZ December 9, 2009 and January 13, 2010.)

- A. Petition 29-09 – 451 New Britain Avenue, Gianni DiDomenico, 257 Stillmeadow Lane, Berlin CT 06037, applicant, Newington 451 LLC, owner request for Special Exception Section 3.2.6 School for Cosmetology Training, B-Business Zone District. Schedule for Public Hearing December 9, 2009.

- B. Petition 30-09 – 445 Unit A Willard Avenue, Fountain Point Office Park, Family Adult Day Care, LLC, applicant contact Mervyn Rimai, 1560 Asylum Avenue, West Hartford, CT Rotundo Developers, LLC owner, request for Special Exception Section 3.2.9 Adult Day Care Use, CD Commercial Development District. Schedule for Public Hearing December 9, 2009.
- C. Petition 31-09 – 170 Pane Road, David Occhialini, c/o Reno Properties, 170 Pane road, Newington, CT 06111 applicant, Reno Properties, LLC owner project contact Alan Bongiovanni BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for site plan modification Section 5.3 for construction of additions to existing building totaling 32, 650 sq. ft. Schedule for presentation December 9, 2009.
- D. PETITION 32-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (South Side), Reno Properties, LLC 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Lane Surveyors 170 Pane Road, Newington, CT 06111, Harris A. Fineberg owner, request for zone map amendment R-12 to B-TC Business Town Center. Schedule for public hearing January 13, 2010.
- E. Petition 33-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (South Side), Reno Properties, LLC 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Lane Surveyors 170 Pane Road, Newington, CT 06111, Harris A. Fineberg owner, request for site development approval Section 5.3 for construction of 2,500 sq. ft. bank. Inland Wetlands Report required.

Ed Meehan: These petitions are ready to go before the Commission. If there are any questions on them, some do require public hearing matters, so any comments about the petitions should really wait until the public hearing, but essentially there are three items that I believe will be ready for presentation to the Commission at your next meeting December 9th. Questions on non-public hearing issues or where they are, locations, I can certainly provide that to you. We have the files up in the Planner's office, they are available for inspection, if you want to look at them in advance.

Commissioner Pane: Mr. Chairman, Ed, if we are not pressed for any time on scheduling these three for December 9th, they could be scheduled for January 13th, if the other Commissioners don't mind, I think we would be better off scheduling them for January 13th, so that we could spend December 9th talking about of 2020 Plan. We haven't had any time to talk about it as a Commission and I think we owe it to the people to talk about it as a Commission, so I would rather not schedule these for December 9th, but move them to January 13th, and then move the ones on January 13th out if we have to, but I think it's very important that we talk about our Plan of Development. Thank you Chairman.

Ed Meehan: That really shouldn't be a problem because for public hearings you have sixty-five days to set the public hearing. For Item C, 170 Pane Road, it's sixty five days from the date of receipt, we have it presented to you on January 13th, January 27th, I'll have to check the time but you can probably get the applicant to give you a couple week extension to get this out of the way. There is no conservation, inland wetlands requirement for Item C so it should be a fast track petition. Whatever the Commission's pleasure is.

Vice-Chairman Ganley: Any comments?

Commissioner Pruett: Yeah, I see no problem with postponing it to January, there's nothing really pressing here as Ed said, and I think it would give us some time to discuss the plan also.

Commissioner Lenares: I would have to agree with Domenic wholeheartedly. You mentioned that Item C would not be pressing, are A,B, under any time constraints as far as moving along, because I feel that we

could spend a little more time on the plan as opposed to crowding that December 9th meeting with something that could warrant a little more time.

Ed Meehan: No, you'll be all right. This came in last week, so the clock starts ticking tonight. It's the date of receipt of your next regularly scheduled meeting. So it's sixty-five days from tonight, so you'll be covered for your January meeting.

Commissioner Lenares: Just one more thing, thank you for that, the applicant's, have they been, I know that you have met with some of these people as they come into your office, have they been notified that they have to put that sign out, whatnot, just so that there are no lapses in the future of not having the sign out there.

Ed Meehan: Well, I know 445 Willard, they have already picked up the sign but I asked them to wait until they, until I knew what the Commission's direction was tonight. But I haven't heard from 451 New Britain Avenue, and Item C is not a public hearing.

Vice-Chairman Ganley: So is there agreement if we do all of the five A,B,C,D,E, on January 13, is that correct?

Commission: No.

Vice-Chairman Ganley: All right, let's cherry pick this then.

Commissioner Schatz: On Commissioner Pane's proposal, I agree with it, there's some things even in the mission statement I'm not comfortable with, personally so I'd like to have time to talk, around the table.

IX. PUBLIC PARTICIPATION

(For items not listed on the Agenda)

Carol Anest, 30 Harding Avenue: I would like to thank all of you this evening for giving the public the opportunity for them to tell you how they feel about the 2020 Plan and I also would like to thank Commissioner Ganley for all of his years of service on the town Planning and Zoning. Thank you.

REMARKS BY COMMISSIONERS

Commissioner Pruett: I too want to echo Carol's sentiments, Tom, and in fact there are a few of us are our last night, and we don't know yet if we will be reappointed but we have you and Michelle and Peter so I too want to share Carol's remarks about thanking people too.

Also too, I wanted to make sure that the public understood too that, I was kind of taken back by Councilor Cohen's remarks about how the Plan was handled and discussed at the Town Council meetings. I want to make sure that the public realizes too that that Plan is going to be discussed in depth, we are not going to rush that through, we're going to dissect every piece of it, make sure it's a appropriate plan for the residents of Newington.

Commissioner Pane: I would like to thank the Chairman for his service, and the other Commissioners and I'd like to talk about an idea that Commissioner Pruett had last meeting. Commissioner Pruett suggested that we leave the public hearing open for our Plan of Development throughout the entire process so as we, as a Commission talk about this, okay, the public would be able to respond to some of our input on the Plan of Development. I think it's an excellent idea and I would entertain a motion from somebody, I would certainly second it, I think that, I understand that keeping this open for December 9th, through this letter from the Town Manager by I think this topic is extremely important to the town of Newington, it's going to shape the future of the town, and what we should do is, we should accommodate the public and we should leave the public hearing open while we come to conclusions on our Plan of Development. Like I said, I certainly would second that if one of my fellow commissioners decided to make a motion. Thank you.

Commissioner Pruet: I'd like to present that in the form of a motion and thank Commissioner Pane for so stating, I'd like to present a motion that due to the fact that we have not finalized the ten year plan, the fact that the public participation is utmost important and in the best interest of the Town of Newington I'd like to keep this open, close it an appropriate time, but in the meantime keep it open to other suggestions, revisions, as they are brought forward. So, if we need an ending date, perhaps I can use March, March 1st, as a temporary closing date for closure on that.

Commissioner Pane: I'll second that.

Commissioner Schatz: Have we got a time line on this?

Ed Meehan: No, your time line is June 30th, for adoption and in a memo that I sent to the Commission two or three weeks back, that is exactly the process that the statutes called for, the public hearing process on Plans of Development are very front end loaded for public participation. There is no time limits on opening the public hearing or closing them, as you commonly have with special exceptions, so as Mr. Pruet said, and Domenic, the redrafting and revisions should be discussed and maybe put up on our web page, as they develop for reaction from the public. Also, it looks like the town council wants to have input on this, so they should be afforded the opportunity to draft their thoughts and get them to the Commission for discussion before you close the hearing. I suggest that you keep this open as long as you feel comfortable.

Commissioner Lenares: Just so I understand what Commissioner Pane and Commissioner Pruet are proposing, are you saying that there was a possibility that public participation on the hearing would be closed while this is being considered by our board as well as the town council.

Commissioner Pruet: It was mentioned in previous meetings that we would extend this for one more meeting, or two more meetings, I want to make sure that is not the case, and keep it open.

Commissioner Lenares: Well, to voice my opinion for the record, I don't think anyone should be prohibited from speaking their mind, be it yea, nay, have no stance on anything, when the public comes they should have their opinion, their voice, like I said, whether it is yea, or nay, or pro or for or against, I would be happy to support that and wouldn't feel comfortable not having the public be able to speak.

Commissioner Aieta: Under normal procedure, you would close the public hearing at some point. These are not normal situations, so keeping it open for the public through the whole process, you might, we might have to amend our agenda so that we can talk about it and then open it up to the public so that they could comment on the discussion that the committee just had. There might have to be some adjustments to the agenda as to how we conduct our meeting so that the public has an opportunity to comment on what we have discussed, not the other way around, where the public comes in and talks and then we talk, we might have to have our comments before the public and that would be a change in the agenda.

The vote was unanimously in favor of the motion, with six voting YES.

X. STAFF REPORT

A. Zoning Regulation Interpretation – “Dog Day Care Use” (No overnight boarding) Business District, Dept. Of Agriculture Pet Facility License

Ed Meehan: Item A, as you can see, we are looking for interpretation guidance from the Commission for a doggy day care use. Now this is an unusual business in the sense that we have businesses that do pet grooming, and we have certainly licensed veterinary clinics that board animals overnight for hospital purposes, medical purposes.....

Vice-Chairman Ganley: Excuse me, Commissioner Schatz has to recuse himself from this discussion.

Commissioner Camerota replaced Commissioner Schatz at the table.

Ed Meehan: But, this is for a start up business that was looking for a zoning permit and when we found out a little bit more about the business it was determined that in addition to a local zoning permit they need a Department of Agriculture License for this type of use, and they also need to create an outside run area associated with the business, so it's not your typical business use, and as you know, the way that the regulations are constructed, uses not listed are prohibited. So staff is looking for guidance on how you feel this should be treated. In the category of pet facility licenses applications, the Department of Agriculture classifies a pet shop, grooming facility, commercial kennel, kennel or training facility, so this would be classified basically as a kennel even though it's just day time. The particular location is down at Twin City Plaza for the business operator who sent us a letter back on November 6th. We asked him to be patient, we would give him direction, and depending on how the Commission wants to interpret this, if you don't have any opinion right now, we'll get back to the business people.

Vice-Chairman Ganley: Comments?

Commissioner Pane: Mr. Chairman, Ed is it correct that you said it is only during the day time hours?

Ed Meehan: Yes, this is boarding Monday through Friday, 6:30 a.m. to 6:00 p.m. Where someone drops off their animal and goes onto work, or where ever they are going and picks them up at the end of the day.

Commissioner Pane: And that doesn't fall in our regulations as of right now?

Ed Meehan: No, it's not covered. We have grooming places where people bring their animals in to the groomed, I would expect that they would stay there most of the day, I'm not sure, but the thing that caught our attention here was the Agricultural license plus the outside, small outside running area for the animals to go outside sometime during the day. So you could have a business location with a pen outside with four or five dogs running around. Maybe they bring them inside and put four or five more outside, so it could be a locational situation too. You know, you have a business and then you have another business next door, with dogs barking all day, I'm not saying that it is good or bad, I just want to flag it for the Commission.

Vice-Chairman Ganley: Do they have to give a specific location on the site where the dog run would be in the back relative to other businesses, do we have a schematic?

Ed Meehan: For this particular location it would be in back of the building, the side of the building, the easterly side that I guess it's down behind the railroad tracks I think go through there, in this particular location, but I don't know where it would be in future locations, or other businesses if you had another one come in in some other part of town. You know, there are certain health issues that go with these outside runs, as far as being able to wash them down and drain them properly, we raised some question with also.

Vice-Chairman Ganley: This is going to take a little further looking into, I'd like to, or the Commission should see a schematic and I've been in that particular plaza a few times, and I know where the Laundromat is and the fruit and vegetable stand, but I think the Commission would like to get a better handle on, more specifically where the place is located and where this run is that they are talking about, where it would be?

Ed Meehan: Well, do you have any thoughts generically about how you would want to handle this in the regulations? Rather than a site by site basis, if you felt that this is permitted, but that you wanted to do it by site plan review, or does it require a zone amendment.....

Vice-Chairman Ganley: Well, just something to give us an idea of what he is talking about? Is he talking about a run on the outside, how wide, how long.....

Ed Meehan: Well, I can give you some details about this particular business. The outside kennel area would be twenty-two feet by ten feet inside a chain link fence on the back side of the building where there is some electrical meters and other service panels. It looks like they have a bituminous surface from what we can tell. But any business that came in that had a similar type of operation, dog day care or pet day care would also have to provide an outside facility, not just at Twin City Plaza. It could be you know, Stoddard and Main, it could be, who knows?

Commissioner Aieta: The way that it stands right now, is that this is not a permitted use because it is not included in our regulations?

Ed Meehan: That's correct, not listed, not permitted.

Commissioner Aieta: So to consider this application, the Commission would have to propose and institute regulations that would permit.....

Ed Meehan: Well, you could give us an interpretation that it is classified in your opinion as a business use, and therefore can merit a zoning permit without a site plan, or the second option is that it is not permitted at this time, and in order to get into your regulations you require an amendment or a policy decision, requiring a public hearing and that process that goes with that before you bring it into your regulations.

Commissioner Aieta: If we proceed without it in the regulations, there are just too many unknowns here to proceed with just a zone permit and let them proceed, there are too many things that are unknown. It depends on, you know, if you open it up to all business areas, it could cause problems. I think you would have to go through having it become part of the regulations, public hearing and put it into some kind of concept of how we are going to do it.

Commissioner Casasanta: Ed, if I understand you correctly, you're saying that right now our regulations permit a full blown kennel with overnight boarding, all the stuff that goes with it.....

Ed Meehan: Only associated with a veterinary clinic.

Commissioner Casasanta: Only associated with a veterinary clinic, okay. All right, and then the flip side is like your typical grooming place where they stay for a few hours and they get picked up, so now we are trying to look for something that is like in between the two.

Ed Meehan: Right.

Commissioner Casasanta: Now, veterinary offices, do they have outside runs?

Ed Meehan: Yes, well they have them, when they are treating an animal, you know, the animal could be there for a couple of days for medical care, they would have to have an outside run, so the veterinary clinics, the one on the Berlin Turnpike and the one on Day Street have those type of boarding facilities, but it's not where you take your dog if you are going on vacation for five or six days and drop him off, it's a medical purpose.

Commissioner Casasanta: Okay, so there is no, for the lack of a better word, no recreational boarding?

Ed Meehan: That's correct.

Vice-Chairman Ganley: I don't think we have enough information on this to act, I think we are just going to have to defer this until we get a better handle on this and we may ultimately have to ask for a site plan, to get a real good handle on what we may attempt to put into a regulation. It's a mall, it's got a business, I don't

want to open up, I don't want to say strip malls in town to something similar, we just don't know enough about how this thing is going to work. At least, that is my opinion.

Commissioner Camerota: I don't think this is something that we should handle as a zoning permit. I think that would be too, not enough control over the plan, I think it is something we need to look at and have it added into our regulations as they currently are, whether it be a kennel use or veterinary, or grooming, whether we should treat it as a special permit or a site plan showing what they are doing, what are their hours of operation, what are their plans for exercising the animals, and caring as far as any outside area, especially if you are where the public is coming in and out, I really think that you want to have a public hearing on whether it should be added to the regulations.

Commissioner Pruett: Just curious too, maybe through Ed, wouldn't this come under some kind of purview of the health department, is there some kind of regulation that the health district would have to review.

Ed Meehan: On this particular site the outside area as far as its cleanliness, disposal of waste matter, you know, that would have to be looked into. I don't believe, you may have to have a septic system to go with this, for (inaudible) into the MDC system to hose down the run area to take care of waste matters. We asked some of these questions, we didn't get all of the answers we wanted, again, that is why I am bringing it up tonight.

Vice-Chairman Ganley: There is nothing that is going to make us act rather soon on this, is there?

Ed Meehan: No, there is no reason at all. I'm hearing from the Commission that maybe this really should fit in, it should be in your regulations first, and some form of public hearing process hearing so you get the details of the outside area and the health issues, the operations that go with something like this, instead as Michelle said, just an as of right zoning permit from the Zoning Enforcement Officer, you want to take a look at this

Commissioner Pane: I agree with Mr. Aieta. This isn't allowed in our zoning regulations, right now and if it's not stated in there it's not permitted so what I think we should do is, it shouldn't be allowed. The applicant always has the right to come in and ask to put it into our regulations and at that time we would review it, but I think it's going to open up a can of worms for future locations and so on. I don't think that this is something that the Commission should necessarily look at, but the applicant always has a right to come in and attempt to change our regulations, but I don't think the Commission here in general should act to change that because I think it is going to open up a can of worms for other areas of town. Thank you.

Vice-Chairman Ganley: Okay, Ed, you have a message to relay back?

Ed Meehan: I'm all set, thank you.

Commissioner Schatz returned to the table.

B. Site Development Bonds proposed for release:

711 Willard Avenue – Request for Release

711 Willard Avenue
Kane Street Associates, LLC
Request for Release \$7,400

Bond posted 5-4-2—6, original amount \$45,900, secured by savings passbook. Reduced to \$23,700, 10-25-06, reduced to \$7,400, 11-24-2008.

Commissioner Schatz moved that the bond amount of \$7,400 for the completion of remaining site work at 711 Willard Avenue, Kane Street Associates, LLC to approved for release.

The motion was seconded by Commissioner Pruett.

Ed Meehan: That's a release of the bond, if you approve this, we will return the \$7400 to the Kane Street Associates. It is the corner site over here at Cedar and Willard and the items that were held for completion were the street trees, the dumpster enclosure, striping of the handicapped space, traffic signage, and there was some erosion related to the rain leaders that had to be corrected before this \$7400 could be brought to you for release. So it's the pleasure of the Commission whether you want to do this, you want to go out and take a look at it. One of the things that we had to get locked in was the merestones, locked into this site and certified. So those things have been taken into account, but because it's a release, the Commission may want to take a look at this.

Commissioner Pane: Did you say the lot pins and the merestones had been completed?

Ed Meehan: No merestones on this because it is a private site, but the lot pins have been certified as being installed.

Commissioner Pane: It didn't require merestones?

Ed Meehan: No, it's not a subdivision.

Commissioner Pane: All right, I did take a quick visit there, there is a railing that is totally falling down, going up to those stairs there.

Ed Meehan: That railing is a result of a tree that was hit by lightening and blown over about three weeks ago, and it fell onto the wrought iron railing on Willard and knocked it, and the utility wires down. That is apart and separate from this bond.

Commissioner Pane: I realize that, but are we going to be able to get this applicant to get that fixed.

Ed Meehan: I believe that he is dealing with his insurance company.

Commissioner Pane: Thank you.

The vote was unanimously in favor of the motion, with six voting YES.

256 New Britain Avenue – Bel Air Manor – Request for Release

256 New Britain Avenue

Bel Air Manor

Associated Construction Company

Request for Release \$5,000

Bond Posted 4-3-2009, original amount \$47,000, secured by certified check. Reduced to \$5,000, 7-22-09.

Commissioner Pruett moved that the bond amount of \$5,000 for the completion of the remaining items at Bel Air Manor, Associated Construction Company be approved for release.

The motion was seconded by Commissioner Kornichuk.

Commissioner Pane: I visited this site too, Mr. Chairman, and I found that there were absolutely no plants of any kind at all where the new addition was, and I also found a catch basin that had no pavement around it, just processed stone, which is going to mean that the stone will work its way into the catch basin, and I noticed a few other little things and I suggest that this site, that we go and visit it unless the Town Planner has an explanation on no plantings.

Vice-Chairman Ganley: Is that within the purview of the bond?

Ed Meehan: It would have been, I don't believe that there were any foundation plantings required on the new addition, just lawn area. I'm not aware of that catch basin though, I can look at that. We were holding this, according to the town engineer's records because of there were a couple of utility (inaudible) for quite some time and then there was some dumping in the wetlands, at the north end of this site, but I'll look at that catch basin because I didn't see it. The only reason that we had some concerns about the, what we call grass block, when you first come in on the left, they used some grass block to reduce the impervious surface and when those initially went in, they were uneven, and they had to reset those, but that was to our knowledge done. I don't know where the catch basin is, I can take a look at it, or have one of the engineering guys up there.

Vice-Chairman Ganley: But the catch basin is not really an issue as it relates to the release of this bond?

Ed Meehan: Well, it depends where it is on the site, because the site, basically the southern half of this property was completely redone, as well as around the back, as the Fire Marshal wanted a driveway for the fire lane, so some of the parking wasn't done at the north end, it remained as it had previously been. Up by the portico and the backside where the kitchen is was not done.

Commissioner Casasanta: Maybe we should table this until we find out whether or not the catch basin is part of this, to be sure it is corrected.

Commissioner Kornichuk: I'll withdraw the second.

Commissioner Pruett: I'll withdraw the motion.

Vice-Chairman Ganley: We'll table it.

3563 Berlin Turnpike – L.A. Fitness – Request for Release.

3563 Berlin Turnpike

L.A. Fitness

Newington-Berlin Retail LLC

Request for Release \$5,000

Bond posted 1-26-2009, original amount \$5,000 secured by certified check.

Commissioner Pane moved that the bond amount of \$5,000 for the completion of the site work at L.A. Fitness Club, 3563 Berlin Turnpike, be approved for release.

The motion was seconded by Commissioner Pruett.

Commissioner Pane: I visited this site too, and I found that there are absolutely no plantings in the front of L.A. Fitness either, I don't know if they were on the original plan. I also found that the dumpster enclosure is about to fall down, the masonry, the door is about to fall off, and the dumpster that they are presently using isn't being stored in the dumpster enclosure. There are also a couple of other things on the site there. It might not be related to L.A. Fitness but that I would like to address. One of them would be, there is a pad site

there for 6500 square foot, there's big ruts, dirt ruts, stone ruts, in this pad site. I know that when Hunter Development came in over on the corner of Cedar Street that we required them to put some dirt and grass over the pad sites until they were constructed, until the pad sites were constructed. I'd like to know why we're not being consistent in requiring this development to do the same. Then there are a few other issues but I'll leave it at that.

Ed Meehan: The pad site is outside the bonded area of this Commission's approved site plan well over a year ago as Domenic said, for about a 6500 square foot building, that hasn't gotten off the ground. So that is under the maintenance requirements of somebody else. It's not Realm Realty, or the parties at Newington LLC that posted the bond. The plantings in the island were taken care of but I was not aware of this recent, you said they moved the dumpster out of the dumpster enclosure?

Commissioner Pane: Yeah, the dumpster is not in the dumpster enclosure, the masonry is falling down, the door is falling off the enclosure. There are no plants, actually next to the building and then there are some large ruts on some of the islands.

Ed Meehan: There were no plans to have plantings against the building, but I will go back and check on the quality of.....

Commissioner Pane: Why is that happening? You have to have a little green, who's reviewing these plans?

Ed Meehan: This plan came before the Commission for site plan review. The big change to the front of this building was the fact that the sidewalk was widened, and the front portico was redone as L.A. Fitness requirements and all the handicapped ramps were put in. Then there was some, some of the islands were repaired that had been driven over and broken through the period of the previous owner, which was the furniture store, and then the site was completely repaved and restriped. You've seen it, if other Commission members want more time to see it, no problem with us, we'll go back and look.

Commissioner Pruett withdrew the second, and the motion was tabled.

C. Site Development Bonds Proposed for reduction:

2557 Berlin Turnpike – Cody Plaza – Request for Reduction.

2557 Berlin Turnpike

Cody Plaza

Request for Bond Reduction \$3000

Bond posted 9-22-2009 in the amount of \$5,500 secured by certified check.

Commissioner Lenares moved that the bond held for Cody Plaza in the amount of \$5,500 be reduced to \$2,500. This balance to be held for completion of landscape plantings.

The motion was seconded by Commissioner Casasanta.

Vice-Chairman Ganley: Ed, what plantings were done?

Ed Meehan: The only thing that was done here as far as planting was loam and seed of the islands and some of the grassed areas. This was a site where he was required to close a considerable amount of his frontage. He had open frontage on the Berlin Turnpike, with parking in the state right of way and the approved plan required him to have a driveway with right in, right out. So, the curbing, the repaving, the drainage work has been done, but because of the time of year, he chose not to put his foundation plantings in and some of the shrubs, so that is why the balance of \$2500 held until that is done is recommended.

Vice-Chairman Ganley: You feel that is sufficient?

Ed Meehan: That should be sufficient for the size of the site.

Commissioner Pane: I did visit this site too, I took a look at it. They did a nice job on the curbing, and the Town Planner is correct, there is a minimal amount of planting that are necessary and I feel confident on this bond release. Thank you.

The vote was unanimously in favor of the motion, with six voting YES.

2368 Berlin Turnpike – Dunkin Donuts – Request for Reduction.

2368 Berlin Turnpike

Dunkin Donuts

Request for Bond Reduction \$6000

Bond posted 5-27-09, in the amount of \$8,500 certified check.

Commissioner Kornichuk moved that the bond held for the completion of site work at 2368 Berlin Turnpike, Dunkin Donuts in the amount of \$8,500 be reduced to \$2,500, this balance to be held to ensure the repair of erosion and stabilization of slope.

The motion was seconded by Commissioner Casasanta.

Vice-Chairman Ganley: We had a conversation about this at the last meeting as I recollect, the back slope?

Ed Meehan: Yes, well not at the last meeting, the meeting before that, we were waiting for the developer, the contractor to go out and to fill the erosion that came off the slope behind the drive though window area. There are two areas that were really impacted by the heavy run-off. They went back and they filled them, they put some sod down, they put some grass mat down, but it's too late in the season to really say that that is going to work. In fact, the sod that they put down, you could peel it up like your rug. So I think this warrants waiting until next spring to make sure everything is solidly in place. We know the maturity of the lawn, or the stabilization of the upper slope, there are two slopes on this property, is starting to work pretty well, it's starting to get filled in, so that should slow the water down and these lower runoff areas should be okay, but we didn't feel comfortable, given the quality of the material. There's a lot of rocks, pretty deep depressions, that this didn't warrant full release at this time. I think we should wait until warmer weather next spring.

Vice-Chairman Ganley: And you are satisfied that the \$2500 will do the trick?

Ed Meehan: For these two areas, yes.

Commissioner Pane: Ed, did you notice at the top of the ridge there, I visited this site too, there was a lot of erosion right near the fence in a small area? I don't know if you noticed that.

Ed Meehan: There was some run-off heading south towards, it's a woods road up there, and that is in the area where they excavated to bring the water line in. We were up there with the engineering staff and the comment that we had is that as that area begins to fill in, it's kind of thin because there is a lot of clay up there, as that begins to come in, the second growth comes in, that should slow down that erosion.

Commissioner Pane: I'm talking at the very top.

Ed Meehan: The very top. You have to walk up the road and go all the way around, or come in from Toll Brothers.

Commissioner Pane: Thank you very much Ed.

Commissioner Schatz: Do you really think \$2500 is enough to solve that problem. I've been in there and it looks like it is falling apart.

Ed Meehan: Well, there are only two areas, as you go through the drive though in the back, there are two areas, they are about three and a half feet at the widest, by maybe fifteen, twenty feet long that have to be stabilized. It's a matter of bringing in better soil, what they put in there has a lot of rocks. Enough loam to cover it with grass mat or sod, in the spring.

Commissioner Schatz: \$2500 doesn't seem like enough money to stabilize it. I'm not in that business but

Ed Meehan: A guy taking three or four hours getting in there and replacing it.

Commissioner Schatz: Okay, as long as you think it can be done.

The vote was unanimously in favor of the motion, with six voting yes.

D. Other Items:

20 Wilson Avenue – Marchewka Subdivision Sidewalk Bond.

Vice-Chairman Ganley: Does this memorandum need to be read into the record?

Ed Meehan: No, but you can if you want. It's background information as to the staff recommendation.

Vice-Chairman Ganley: Have you all had a chance to read that? Remarks?

Ed Meehan: What is your guidance on this? Do you wish us to pursue.....

Commissioner Aieta: He's asking for a recommendation that we return the bond, we have to act on that. Either we are going to return it or we're not.

Ed Meehan: I need something that I can report to the Town Manager as to how we keep our records and release money. I reported this to the Commission I think back in August or September when we were going down the bond list. This sidewalk would go nowhere. It doesn't hook up with any other sidewalks.

Vice-Chairman Ganley: There's no figure.

Commissioner Aieta: \$11,300.

Vice-Chairman Ganley: Okay, thank you.

Commissioner Pane: I just wanted to state I remember sitting on the Commission when this was presented with the subdivision and I know that we did require it, but there is no future plan, I think at that time we thought that we might have sidewalks in the area, but there are no sidewalks any where near that area, so I agree that there is no reason to hold this bond for sidewalks. Thank you.

Commissioner Casasanta moved that 20 Wilson Avenue Marchewha Sidewalk Bond of \$11,300 be returned.

The motion was seconded by Commissioner Pruett.

The vote was unanimously in favor of the motion, with six voting YES.

1005 Main Street - Hayes Properties, Request to remove trees.

Ed Meehan: The last item is something that I brought to the Commission's attention. This is the, where Starbucks and Rite-Aid is now. The property owner approached me about clearing these trees out, but given the sensitivity of taking out four trees out of the seven, three trees out of the seven, he wanted to make sure that he had the Commission's understanding and guidance before he did that. I don't know if you had a chance to look at it, we brought it up in September, early October. Trees are fourteen, sixteen inches caliper, they are all overgrown, the canopies are getting into one another, so from my point of view, and my recommendation would be to take every other tree out and let sunlight get into the building and the trees grow their natural course and have some half way decent canopy. We did this recently up the street at OFI where we had several trees that had matured, to the point where they begin to kill each other off. Every other tree was removed and the result is healthier trees and that is why (inaudible) to this particular site. It's not going to happen tomorrow, but he would like to do it over the winter if possible. So if you would like more time to take a ride by and look, let me know.

Commissioner Aieta: Have you talked to the property owner about trimming the trees down instead of removing them?

Ed Meehan: At this point the canopies are so intertwined, the shaping of them, you could say raise the canopy a third to maintain the shape of the canopy, probably should have been done years ago. It's too late. Actually, the trees are not even shown on the original site plan for that property. We went back and we looked and there was a, a berm was required with low plantings at the time, I don't know when these trees were planted. They must go back to when, was it Konaris, that owned that property. The trees are probably twenty-five years old.

Commissioner Pane: I visited this site too, and I did notice that the first two trees, closest to the driveway were really entangled but the rest of them didn't look that way. I would be, I would really like to know what ones he was going to take out before he took them out.

Ed Meehan: I think his plan was to leave the one at the driveway and then start, every other one at that point.

Commissioner Pane: The one at the driveway is the worst one.

Ed Meehan: The space between them needs to be arrived at. I can actually see that they are getting moldy and green discoloration on them, but, looking for feedback.

Vice-Chairman Ganley: Anybody else?

Commissioner Casasanta moved that 1005 Main Street that the trees being requested to be removed, be removed.

The motion was seconded by Commissioner Pruett.

Commissioner Pane: Do you think we could have the Town Planner have him mark the ones with red tape, the ones that he wants to have removed, so that we could have one last chance to review it.

Vice-Chairman Ganley: Do we have a tree warden any more?

Ed Meehan: We have a tree warden for trees in the public way, or public property. I can get him to mark them, put red tape on them.

The vote was unanimously in favor of the motion, with six voting YES.

Ed Meehan: One more item under Staff Report, with your indulgence, it has to do with enforcement issue that we have been carrying on for well over a month with 174 Francis Avenue, a car dealership/permittee who is there for wholesaling. We have had three enforcement actions in the last month, none of them really being complied to. This is a site that has been before hearing officers twice before with fines and some correction, and then the gentleman gets out of bounds again. We have noticed outside of the fenced area some storage and repair of vehicles. The condition inside is in our opinion, hazardous, well over what the condition approved for storage and location. The gentleman who operates the business and owns the property asked the zoning enforcement officer for the indulgence of a six month reprieve to do the work, which in staff's opinion is much too long and our past track record has not been successful. We asked for an inspection of the property tomorrow, two weeks ago, we haven't really gotten permission to go onto the property yet, so our next move is to report this property to motor vehicles which I think at staff level, we would like to take that step. It could mean the classification of a junk yard, and a loss of a business license but it's, the property has not been in compliance, there could be issues with oil and antifreeze runoff into the nearby water course, and there is certainly fire safety issues inside the former wood storage buildings if this place was to catch on fire. So I want to let the Commission know about that, because I don't think we've ever given anybody six months to correct the problem of this magnitude.

Vice-Chairman Ganley: Was the recommendation at the time that the inspector went down about how long he should be given?

Ed Meehan: He was asked to have it cleaned up in two weeks. The two weeks would be tomorrow.

Vice-Chairman Ganley: Sounds good to me.

Ed Meehan: I just wanted to let you know what was going on.

Commissioner Aieta: I have the agenda for the Town Council and I understand that the Town Planner is going to be (inaudible) Could you just give us an idea of what you are going to talk about?

Ed Meehan: That's for tomorrow night. The Town Council majority leader, Mr. Banach and the Town Manager, we met and they asked if I could give a presentation on the Cedar Mountain Ridge Line, the land use and zoning ownership patterns up there, so that they could become more familiar with the geography. It's pretty much going to track the memo that I sent to the Commission about four weeks ago, where I gave a little analysis of land use, ownership and zoning and also some information on the state statutes as far as what we can regulate under the statutes as far as ridge line. There is a definition of a ridge line in the statutes that this Commission put into the regulations in 2005 so I wanted to share that with the Council members and I have a power point presentation. I was going to try to get it ready for tonight, but am still putting the final touches on it and would be happy to give it, the same information to this board.

Commissioner Aieta: If I understand correctly, you are going to talk about ownership of the land, and what it is currently zoned?

Ed Meehan: Right. From East Cedar Street north to the Hartford city line, about four hundred acres in there.

Commissioner Aieta: We as a Commission haven't made any decisions as to what we are doing up on the whole ridge line, so if you go way beyond that, it's something that we haven't discussed. If it is kept to what the land uses are now, and what the ownership is, that's appropriate. To go beyond that, I would think is not appropriate at this time.

Ed Meehan: I appreciate that read, and I'm sure Councilman Banach appreciates that because he does and I'm sure that the Council understands that this is an informational process, that the land use decision process and how you designate and zone properties is the purview of the Planning and Zoning Commission. This is to help bring them up to speed on what is up there. There is some information that is not correct as far as

who owns what, and what the geography is, so we hope we can begin this on the right foot, in a positive way by getting this out to Council members.

Commissioner Aieta: Thank you.

Commissioner Kornichuk: Ed, I just want a clarification, where are we with that supposed junk yard? Are we going forward, turning him into the state?

Ed Meehan: That would be our position at staff, I'm not asking for a hard recommendation from the Commission, but I just want to let the Commission know that six months, we're not going to approve a six month extension. We may be able to get into the site tomorrow and look at it, and find it's all cleaned up, that would be great. But, short of that, right after the Thanksgiving holidays, we have already started the dialogue with the DMV officers and I think its time that they come over and look at this.

Commissioner Kornichuk: Personally I think it was let go too long to begin with, never mind giving him another six months.

Vice-Chairman Ganley: You said staff when they went out recommended two weeks to clean it up?

Ed Meehan: Yes. We've been exchanging e-mails back and forth.

Vice-Chairman Ganley: Hold him to two weeks, that would be a recommendation.....

Ed Meehan: Any property that gets cited always has the right to ask for a couple of days to take care of the situation, or work out an arrangement of reasonable time, or take an appeal to the hearing officer, the local hearing officer. None of those opportunities were taken by this property owner although they were all afforded to him, he did not take advantage of them.

Vice-Chairman Ganley: Thank you.

Commissioner Camerota: For your Council meeting tomorrow, is your power point presentation going to be much different than what you provided to us, I think it was at the last meeting....

Ed Meehan: No, I was going to track who owns what, the only thing that might be different, well you saw this when you did your ridge line protection regulations, was some DEP information on the geology of trap rocks and the profile of trap rock ridges and some information that the IT staff has gotten off of the DEP web page as far as aerial photos, recent aerial photos of that area.

Commissioner Camerota: Would it be possible for you to print out your power point presentation and include it in our packet?

Ed Meehan: Sure.

Vice-Chairman Ganley: If this is something of the normal question and answer period after you have made your presentation, maybe there may be some ancillary item as you present it, so it won't just be limited to the power point presentation. I'm sure they will have some questions.

Ed Meehan: I hope that they have some questions, but I know that we have talked with the majority leader about tomorrow night being on this area of Cedar Mountain and then on December 8th, to come back and if time on the agenda is set by the agenda committee for that night, is to get into the town Plan of Conservation and Development, to begin that dialogue, so it wasn't my expectation tomorrow night that we would go any further than some baseline information about Cedar Mountain. I didn't plan on getting into land use strategies and policies for Cedar Mountain, I think that is something that has to be worked out over the next few months

with this Commission, public input, Council input, so my hope tomorrow night is to just get across information about what we can regulate under the zoning, as far as police power, and what you can't regulate and you know, of course, their purview of holding the purse strings is to go after grants and federal power, which goes beyond the police power. So, it was not my intention to go any farther than that.

Vice-Chairman Ganley: I'm don't want the impression by anybody that an attempt is being made by us, maybe a misunderstanding that we are trying to muzzle you somewhat in what you maybe required to answer, if they ask you a direct question, that's really what I'm concerned over.

XII ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 9:25 p.m.

Respectfully submitted

Norine Addis,
Recording Secretary.